

REMARKS

Claim 28 has been amended. Claims 1-4, 9-18, 28, 30-32, 36-41 and 43 are pending in the present application. Applicant reserves the right to pursue the original claims and other claims in this application and in other applications.

Claim 28 stands rejected under 35 U.S.C. § 112, first paragraph. The Office Action states that it is unclear what is meant by “not a direct-inward-dialed telephone number” means. The rejection is respectfully traversed. Claim 28 has been amended. The concerns raised in the Office Action have been addressed by the amendment. Accordingly, the rejection should be withdrawn.

Claims 1-4, 10-18, 28, 30-32, 36-41 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harlow et al., U.S. Patent no. 5,206,901 (hereinafter “Harlow”) in view of Brennan et al, U.S. Patent no. 5,329,578 (hereinafter “Brennan”) and Loucks, U.S. Patent no. 6,760,412. The rejection is respectfully traversed.

Claim 1 recites a “telecommunication device” comprising “a processor identifying a dialed telephone number associated with the call, . . . using the dialed telephone number to retrieve a first telephone number, a second telephone number and at least one user preference from a storage medium, . . . using the at least one retrieved user preference to route the call to at least two destination telephone numbers substantially simultaneously.” According to claim 1, “said processor authenticates an answered call before connecting the answered call.”

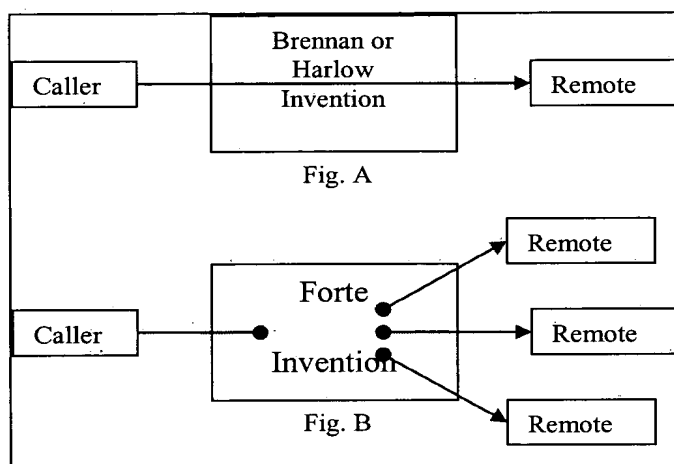
Applicant respectfully submits that none of the references cited in the Office Action disclose, teach or suggest a telecommunication device capable of identifying a dialed telephone number associated with the call, using the dialed telephone number to retrieve a first telephone number, a second telephone number and at least one user

preference from a storage medium, using the at least one retrieved user preference to route the call to at least two destination telephone numbers substantially simultaneously and then authenticating an answered call before connecting the answered call.

Initially, Applicant notes that the Office Action's reliance on the Loucks patent is not appropriate for the type and class of device claimed in claim 1. The claim 1 invention is a new type of telecommunications switch. As described by the Encarta Encyclopedia "Telephone switching equipment interprets the number dialed and then completes a path through the network to the called subscriber." The Loucks system is not a switch, but a notification device that uses telecommunications circuits for the sole purpose of sending notification messages. Therefore the Loucks invention bears no similarity to the claimed invention.

Applicant further submits that the Loucks reference and the claimed invention are from nonanalogous arts. There is no reason why one of ordinary skill in the art of telecommunications switches would turn to the Loucks notification system for a solution to the problem of routing real-time calls "to at least two destination telephone numbers substantially simultaneously" and authenticating an "answered call before connecting the answered call" as recited in claim 1. Thus, one of ordinary skill in the art would not regard the teaching of Loucks (or the combination of Loucks, Harlow and Brennan) as being particularly pertinent to the claim 1 invention. Prior art from a different field of endeavor is not "analogous" unless the reference is reasonably pertinent to the particular problem with which the inventors are involved. In re Clay, 23 USPQ.2d 1058, 1060 (Fed. Cir. 1992). Since the teachings of the cited prior art are not reasonably pertinent to the to the problem solved by the claimed invention, the references are nonanalogous art which cannot be relied upon in an obviousness determination. M.P.E.P § 2141.01(a).

Moreover, it would not be obvious to someone in the art to use Loucks described authentication method for a notification system with Brennan's 1993 technology. For example, Brennan's architecture (reproduced below in Fig. A) is that of a single threaded switched call. Hence, when Brennan transfers a call to a remote device, the circuit from the calling party to the called party is complete. Therefore, all calls are in a "tandem" state while alerting the remote device, and are subject to the call treatment of the remote device.



The claimed invention (shown above in Fig. b), on the other hand, employs a multi-threaded architecture that does not connect the inbound call immediately to the remote devices. The caller in the claimed invention, is not connected to the remote device until the claimed invention electronically switches the calls together to form a single circuit. The claimed invention only switches the calls after the remote device has had an authenticated answer. The Loucks discussion of the authentication mechanism used in their messaging server is not deployable in the Brennan and Harlow inventions. Both inventions have an architecture that is incompatible and inconsistent with the ability to require an authentication. The Harlow and Brennan inventions transfer a call to a remote number. Harlow may wait a period of time for an answer, then tear down the call, and try another remote device. Each time, the call is fully connected to the

remote device and subject to the call treatment of that device. As such, there is no logical state in which the Brennan or Harlow inventions can place the caller while the system waits to get an authentication. Accordingly, the entire Brennan/Harlow switch architecture is incompatible with the concept of an authenticated answer. Moreover, the incompatibility also effects the concept of adding a menu treatment or any other intelligent mid-stream intercept between the caller thread and the remote device in the cited systems.

For at least the foregoing reasons, claim 1 is allowable over the cited combination. Claims 2-4 and 10-18 depend from claim 1 and are allowable along with claim 1. Claims 30-32 and 36-38 similarly recite “determining if the communication has been answered; and if it has been determined that the communication has been answered, requesting information from a user before connecting the communication.” As such, claims 30-32 and 36-38 are believed to be allowable over the cited combination.

Claim 28 recites a “method of providing telecommunications to a user of an communication network.” The method includes the steps of “providing a first communication device at an extension of the communication network associated with the user; providing a second communication device to the user; routing a communication made to the extension to the connect unit; identifying the extension from the routed communication; using the identified extension to retrieve a first communication device number associated with the first communication device, a second communication device number associated with the second communication device, and at least one user preference; and routing the communication in accordance with the user preference to at least two destination communication numbers substantially simultaneously.” According to claim 28, “the communication network is an enterprise network and the extension is an extension of the enterprise

telecommunications network.” Applicant respectfully submits that the cited combination fails to teach or suggest the elements of claim 28.

Harlow and Brennan, even if combined with Loucks, cannot resolve “extensions” of an enterprise communication network. This is because the cited references are extrinsic to an enterprise network. As such, none of the cited references contemplate their use with telephone “extensions.” Harlow is a special intelligent network built up of SSPs and SCPs. To get a call routed in the Harlow system, a user has to call a “special directory number” for “special call treatment, similarly to current ‘800’ and ‘900’ calls.” Harlow at Col. 4, lines 41-45. Special directory telephone numbers are not “extensions” in an enterprise network. For example, when the enterprise network is a PBX-based network, an extension would be a subset of numbers such as “1234” whereas a regular direct-inward-dialed telephone number comprises (202) 123-4567. Similarly, in the Brennan PCS system, a user must call a special “personal number.” Both the Harlow “special directory number” and the Brennan “personal number” are direct-inward-dialed telephone numbers, not extensions. As such, claim 28 is allowable over the combination of Harlow and Brennan.

Claims 39-41 and 43 recite an “article of manufacture comprising a machine-readable storage medium having stored therein indicia of a plurality of machine-executable control program steps.” The steps include “receiving a communication from a caller; . . . routing the communication to at least two destination communication numbers, . . . [and] monitoring the communication to determine if the communication has been answered.” According to the claims, “control of the communication remains with the communication network allowing the network to play an unanswered ring tone to the caller.” Applicant respectfully submits that the cited combination fails to teach or suggest the invention of claims 39-41 and 43.

As set forth in Applicant's prior response, Brennan's system bridges the inbound caller with the outbound leg to the user prior to even dialing; essentially, Brennan's device performs a series of managed call forwarding events. The Brennan system takes control of the call for each one of these call forwarding-like events. All the while, the caller will hear the connection, disconnection and ringing of the second line as the processor sequentially bridges the calls. Moreover, Harlow immediately connects the call upon receiving an answer. As such, Harlow cannot "monitor[] the communication to determine if the communication has been answered . . . control of the communication remains with the communication network allowing the network to play an unanswered ring tone to the caller" as recited in claims 39-41 and 34. Loucks does not relate to this type of system at all and cannot cure the deficiencies of Harlow and Brennan.

Because the call processing is never initially answered by the claimed invention, call control always resides in the host PBX or Telco switch, rather than the System, whereas the Harlow and Brennan systems takes call control immediately by first answering the line, then performing its functions – this is a significantly different approach and architecture. The claimed invention, on the other hand, monitors the inbound call, allowing the host PBX switch or Telco to continue playing an unanswered ring tone to the caller and maintain call control. Once the inbound call is detected, the claimed invention processes its logic to simultaneously call multiple devices. During this process, the system must manage multiple threads including the inbound call, to ensure it is still ringing (alerting), and all of the outbound legs to monitor their respective ring counts and call states. As such, claims 39-41 and 34 are allowable over the cited combination.

Applicant also respectfully submits that it is improper to combine the references in the manner suggested by the Office Action. Obviousness can only be

established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in the references themselves. In re Fine, 837 F.2d 1071, 5 USPQ.2d 1596 (Fed. Cir. 1988). Although Harlow “may be capable of being modified to run the way [the applicant’s] apparatus is claimed, there must be a suggestion or motivation in the reference [Harlow] to do so.” In re Mills, 916 F.2d 680. There is no suggestion or motivation in any of the references for combining them to arrive at the claimed invention. In fact, Harlow, Brennan and Loucks are entirely different systems. The Office Action is using impermissible hindsight by using the claims of the present invention as a road map to improperly combine the references. See Ex part Clapp, 227 U.S.P.Q. 972, 973 (Bd. App. 1985); M.P.E.P. §2144. This is another reason why the rejection should be withdrawn.

For at least the reasons set forth above, the rejection should be withdrawn and claims 1-4, 10-18, 28, 30-32, 36-41 should be allowed.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Harlow, Brennan, Loucks and Swan, U.S. Patent no. 5,978,451. The rejection is respectfully traversed.

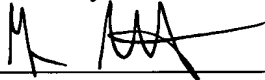
Claim 9 depends from claim 1 and is allowable along with claim 1 because none of the cited references disclose, teach or suggest a “telecommunication device” comprising “a processor identifying a dialed telephone number associated with the call, . . . using the dialed telephone number to retrieve a first telephone number, a second telephone number and at least one user preference from a storage medium, . . . [and] using the at least one retrieved user preference to route the call to at least two destination telephone numbers substantially simultaneously, wherein said processor authenticates an answered call before connecting the answered call.

Accordingly, claim 9 is allowable over the cited combination. Applicant respectfully submits that the rejection should be withdrawn and claim 9 allowed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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